

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BORTEX INDUSTRY COMPANY LIMITED,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	NO. 12-4228
	:	
FIBER OPTIC DESIGNS, INC.,	:	
Defendant.	:	

ORDER

AND NOW, this 2nd day of December, 2013, upon consideration of “Defendant Fiber Optic Designs, Inc.’s Motion for Sanctions” (Doc. No. 69), for the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that the motion is **GRANTED**, such that:

1. Bortex’s claims of invalidity, unenforceability and non-infringement¹ of U.S. Patent No. 7,220,022 and its affirmative defenses are stricken from its pleadings with prejudice.
2. Judgment is entered in favor of FOD.
3. Bortex and the law firm of Stamoulis & Weinblatt LLC, jointly and severally, shall pay FOD’s attorneys’ fees associated with bringing FOD’s motion for sanctions. FOD will submit its invoices for such expenses and costs by January 6, 2014. Any objection to the fees sought by FOD may be filed by Bortex on or before January 20, 2014.
4. Based upon Apple Inc. v. Samsung Electronics Co., Ltd., 2013 WL 6050986 (Fed. Cir. Nov. 18, 2013) (“Apple III”) and the current state of the record, the Court is of the view

¹ We note that an expert report prepared by Bortex’s expert, Roger D. Corneliussen, acknowledges that the two accused Bortex products would infringe claim 69 of the ‘022 patent, assuming the patent was found to be valid. (Resp. to Mot. for Prelim. Inj., Stamoulis Decl., Doc. No. 71, Ex. D, pp. 2, 14-15.) Counsel for Bortex acknowledged that Bortex’s products would infringe claim 69 if the patent is valid. (June 12, 2013 Hrg. Tr., p. 112.)

that there is not sufficient evidence to grant a preliminary or permanent injunction.

Therefore, a hearing on equitable relief will be scheduled at a later date.

5. A status telephone conference regarding the equitable relief hearing is scheduled for Wednesday, December 11, 2013 at 12:30 p.m. Counsel for FOD shall initiate the conference call with counsel for Bortex prior to calling Chambers.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.